

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

**Subfile No(s).**

**CHRB-007-0027A  
CHRB-007-0060**

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's August 28, 2007 Motion for Default Judgment (Docket No. 8776). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rio Brazos (December 18, 2001) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

**WHITNEY DURELL**

**Subfile No.: CHRB-007-0027A**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s) NONE**

**Priority:** Reserved for future determination by court order entered November 19, 2002.

Reserved for future determination by court order entered November 19, 2002.

Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** MARTINEZ DITCH: Surface water of a spring, a tributary of the Rio Chama.

OJITOS DITCH: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 7: Surface water of a spring, a tributary of the Rio Chama

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Spring:** MARTINEZ DITCH

**Location:** X= 1,546,247 feet Y= 2,086,181 feet

**Spring:** OJITOS DITCH

**Location:** X= 1,546,572 feet Y= 2,087,696 feet

**Spring:** SPRING NO. 7

**Location:** X= 1,546,029 feet Y= 2,086,298 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	4.7 acres
Total	4.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRB-007-0027A

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

PENELOPE A. VELAZQUEZ  
SALVADOR G. VELAZQUEZ

**Subfile No.: CHRB-007-0060**

**A. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s) 1545, 1699 & RG-26560**

**Priority:** NONE

**Source of Water:**

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** NONE

**Location:** X= 1,571,054 feet Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant	3.7 acres
Total	<u>3.7 acres</u>

As shown on the 2001 Hydrographic Survey Map CHRB- 7.

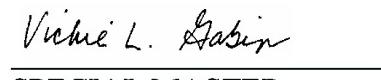
**Amount of Water:** NONE

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

  
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BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
\_\_\_\_\_  
SPECIAL MASTER



## LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Seeped Area
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir

- Point of Diversion
- Well
- \* Spring
- Fallow
- No Right



1 inch = 300 feet  
0 100 200 300  
Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
Rio Brazos Section

Subfile Number  
**CHRB 007-0027A**  
Ojitos Ditch,  
Martinez Ditch  
& Spring No. 7  
AMENDED  
January 20, 2006

